

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JASON CODLING,

Plaintiff,

v.

ACCENTURE LLP,

Defendant.

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Case No.: 1:07cv686

ORDER

This matter comes before the Court on Defendant's motion to dismiss (Dkt. no.

4). For the reasons stated from the bench and in accord with specific rulings thereto, it is

ORDERED that Defendant's motion to dismiss is GRANTED IN PART AND DENIED IN PART.

The claims Plaintiff asserted in his Equal Employment Opportunity Commission ("EEOC") complaint govern the scope of a civil action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. (2000). *Chacko v. Patuxent Inst.*, 429 F.3d 505, 506 (4th Cir. 2005); *Miles v. Dell Inc.*, 429 F.3d 480, 491 (4th Cir. 2005). Therefore, "[o]nly those discrimination claims stated in the initial charge, those reasonably related to the original complaint, and those developed by reasonable investigation of the original complaint may be maintained in a subsequent Title VII lawsuit." *Chacko*, 429 F.3d at 506 (internal citations omitted).

Accordingly, the following claims in Plaintiff's Complaint (Dkt. no. 1) not alleged in Plaintiff's EEOC complaint or reasonably related thereto: (1) Plaintiff never received a 4% bonus (2) Plaintiff was paid less than other employees based on his race, and (3) Plaintiff was subject to a hostile work environment based on Defendant's billing practices, are DISMISSED WITH PREJUDICE. *Chacko*, 429 F.3d at 506; *Miles*, 429 F.3d at 491.

The remaining claim in Plaintiff's Complaint, discriminatory discharge by not being permitted to view his performance evaluation or to complete further training, is DISMISSED WITHOUT PREJUDICE. As discussed at the hearing, Plaintiff shall review the applicable case law to determine if Plaintiff can file an amended complaint in good faith pursuant to Rule 11 of the Federal Rules of Civil Procedure. Plaintiff has thirty days from the date of this Order to file such an amended complaint.

ENTERED this 31st day of August, 2007.

/s/
Liam O'Grady
United States District Judge

Alexandria, Virginia